

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CATALINA LOPEZ, as Personal Representative
of the Estate of Jeanette Orozco, and on behalf of
the Estate of Jeanette Orozco and the survivor of
the Estate, D.R., and Divinity R, a Minor Child,

Plaintiffs,

No. 14-430 MCA/SMV

vs.

THE UNITED STATES OF AMERICA and
MICHAEL T. JOHNSON, individually and
in his official capacity as an Agent of the
United States Border Patrol,

Defendants.


**PRIVACY ACT AND LAW ENFORCEMENT MATERIALS
PROTECTIVE ORDER**

THE COURT, having considered the Defendant's Unopposed Motion for Privacy Act and Law Enforcement Materials Protective Order, and it appearing that disclosure of (1) materials protected by the Privacy Act, 5 U.S.C. § 552a, including employment and medical records, and (2) sensitive law enforcement materials may be necessary to the resolution of this action, and Plaintiff having no objection,

IT IS ORDERED that Defendant United States of America, through the United States Attorney's Office, is authorized to release to counsel for Plaintiff government records containing potential Privacy Act protected information, without obtaining prior written consent of the individual(s) to whom such records pertain, and to release records containing the government's law enforcement policies and procedures. Furthermore, the parties are authorized to disclose these materials to the Court.

The following additional protections apply to the United States Attorney's Office and Plaintiff's counsel:

1. The materials and information protected by the Privacy Act and Law Enforcement Materials Protective Order shall be designated as such when disclosed.
2. Access to the materials and information shall be limited to the parties, counsel for the parties, including agency counsel, law clerks, paralegals, secretaries, experts, lay witnesses whether or not formally designated as such, and other personnel in their employ, as well as any other person mutually authorized by all counsel to examine such material.
3. Any person having access to the materials and information subject to this Order shall be informed that it is confidential and subject to a Protective Order of this Court.
4. Except as otherwise provided herein, no person having access to this protected material and information shall make public its disclosure without further order of the Court or stipulation of the parties.
5. All materials and information protected by this Order which need to be filed with the Court shall be filed under seal.
6. The material and information disclosed pursuant to this Order shall be destroyed or returned to counsel for Defendant United States within sixty (60) days after the conclusion of all proceedings, including any settlement, trial or appeal; it shall be the obligation of the holder of protected information to return or destroy the information as set forth under this paragraph.



STEPHAN M. VIDMAR
United States Magistrate Judge

SUBMITTED BY:

/s/ **Roberto D. Ortega**
ROBERTO D. ORTEGA
Assistant U.S. Attorney
Attorney for Defendant

APPROVED:

Electronic approval 12/2/14
By: Charles J. McElhinney
Attorney for Plaintiff